

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 28, 1978
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

Reverend William H. Donahue, C.S.C., St. Mary's Cathedral, gave the
Invocation.

COUNTRY MUSIC MONTH

MS. PENNY REEVES, KVET Radio, received with her thanks and appreciation
a proclamation read by Mayor McClellan designating the month of October, 1978,
as Country Music Month.

VOTER REGISTRATION WEEK

Representatives of the Travis County Democratic Party, MR. BRUCE TODD and
MR. MIGUEL GUERRERO, were in the Council Chambers to receive a proclamation from
Mayor McClellan designating the week of September 30, 1978, through October 7,
1978, as Voter Registration Week. They expressed their appreciation for the
proclamation.

APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes for September 21, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
 Noes: None

BOARDS AND COMMISSIONS

Appointment made to Economic Task Force

Councilmember Mullen moved that the Council appoint Mr. Elliott Naishtat to the Economic Task Force. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
 Noes: None

Appointments made to Manpower Advisory Planning Council

Councilmember Goodman moved that the Council appoint the following people to terms on the Manpower Advisory Planning Council, with expiration of terms to be September 30, 1979:

David Brown	Milburn Locke
Larry Locke	Claudia Allen
Marjorie Ball	Andrea Beatty
J. Neal Blanton	Morris Xavier Winn
Dr. Mitchell Rice	Ernesto Perales
Julie Sykora	Councilmember Snell
Joe Liro	Mayor Pro Tem Cooke
Rudolph Saenz	

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke
 Noes: None

Future Appointments to be Made

Mayor McClellan announced tht the following Board and Commission appointments will be made on October 5, 1978:

Arts Commission - 6
 Building Standards Commission - 2
 Electrical Board - 1
 Heating, Air Conditioning and Refrigeration Appeals Board - 2

Historic Landmark Commission - 1
Dental Health Advisory Committee - 1
Community Development Commission - 1
Vending Commission - 1
Parks and Recreation Board - 2
Vending Commission - 2
Construction Advisory Committee - 4
MH/MR - 1

BOUNDARY LINE AGREEMENTS

Councilmember Trevino moved that the Council adopt a resolution to authorize a Boundary Line Agreement between GULFMONT MANAGEMENT COMPANY, INC. and the City of Austin. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize a Boundary Line Agreement between LAGUNA GLORIA ART MUSEUM and the City of Austin. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

SPECIAL WARRANTY DEED

Councilmember Trevino moved that the Council adopt a resolution to authorize a Special Warranty Deed conveying certain City-owned property to adjacent owners, JOE LUNDELL and DON DEARING:

All the North ten feet (10') of Lot 1, Block 9, St. John's College Addition

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

CAPITAL IMPROVEMENTS PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to acquire certain land for the following:

BULL CREEK GREENBELT PROJECT, 63.00 acres and 4.271 acres of land out of the James Coleman Survey (Maria Heater Trust). C.I.P. No. 75/86-13

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to acquire certain land for the following:

JOHNSON CREEK DRAINAGE PROJECT, all of Lot 54, Tarrytown 6, a subdivision in the City of Austin, Travis County, Texas. (George M. Pisk et ux) C.I.P. No. 76/07-09

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to acquire certain land for the following:

LIME SLUDGE DISPOSAL SITE, two tracts of land totaling 81.52 acres pit of the Martinshaw Subdivision. (Cecil Ruby Company, Inc.) C.I.P. No. 75/49-09

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

RELEASE OF EASEMENTS

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easement:

A portion of a blanket electric easement across a 4.8 acre tract out of the Leonard Eck Survey #162, Travis County, Texas, recorded in Volume 660, Page 223, Travis County Deed Records. (Requested by Metcalfe Engineering Company, Inc., representing Mrs. Francis Conley, owner)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easements:

Two (2) five (5.00) foot public utility easements; one being out of Lot 1, Block "B," and the other being out of Lot 1, Block "C" O. H. Pool Subdivision, Section Two, recorded in Plat Book 46, Page 9, Travis County Plat Records. (Requested by Freddie E. Dippel, Jr., P. E., representing the owner, J. Gregg Development Company, Inc.)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

LICENSE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize a license agreement to provide irrigation systems and landscaping in the street medians of the La Costa Development located at northeast corner of the intersection of IH 35 and US Highway 290. (Requested by Mr. John S. Lloyd, representing Russo Properties, Inc.) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

PEDESTRIAN OVERPASS - FAR WEST BOULEVARD

Councilmember Trevino moved that the Council adopt a resolution to authorize an agreement with the State Department of Highways and Public Transportation and the Missouri Pacific Railroad to construct a pedestrian overpass at Far West Boulevard. C.I.P. No. 75/79-01. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

THOMPSEN PRODUCTS, INC.
604 Hayden Station Road
Windsor, Connecticut

- Tow-Behind Sand Spreaders, Street and Bridge Division.
Item 1 - 2 ea. @ \$3,550.00
Total \$7,100.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

ACCRON CHEMICAL DISTRIBUTORS, INC.
3251 No. Panam Expressway
San Antonio, Texas

- Caustic Soda, Power Production Division.
Item 1 - \$39,720 (300 tons)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

BURNUP & SIMS OF TEXAS, INC.
2716 East 5th Street
Austin, Texas

- CAPITAL IMPROVEMENTS PROJECT -
Construction of an Electric Ductline to serve new customers at Highland Mall - \$81,485.20
C.I.P. No. 75/30-02

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

AMERICAN AIR FILTER COMPANY
3511 Bering Drive
Houston, Texas

- Silencer for Start Up Vent for Main Steam Line, Decker #2, Electric Department.
Item 1 - 1 ea. \$5,040.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

PUFFER SWEIVEN, INC. - Combustion and Feedwater Controls
136 Marshalltown Road for Holy #2, Electric Department.
Marshalltown, Iowa Item 1 - \$29,977.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

TIPS IRON & STEEL COMPANY - Expanded Steel Grate & angle Iron
300 Baylor Frame and Tamper Shields for
Austin, Texas Submersible Transformers, Central
Stores for Electric Department.
Items 1 & 2 - \$7,999.00 (95 units)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

Bid Award: - Off Shelf Water & Wastewater Items,
Central Stores Division.
Items Nos. 1 thru 544 awarded by line
item to appropriate suppliers based
on 1st, 2nd, and 3rd low bidder.
Estimated Grand Total Semi-annual
\$250,000.00

AUSTIN PIPE AND SUPPLY COMPANY
East 3rd and Medina
Austin, Texas

ESCO SUPPLY COMPANY
504 Industrial Boulevard
Austin, Texas

ROHAN COMPANY
440 East St. Elmo Street
Austin, Texas

TRANS-TEX SUPPLY COMPANY
4618 E. 7th Street
Austin, Texas

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

TENNANT COMPANY	- One Sidewalk Sweeper, Vehicle and
701 North Lilac Drive	Equipment Services Department.
Minneapolis, Minn.	Item 1 - 1 ea. \$8,344.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

RIVER CITY MACHINERY COMPANY	- Compact Tractor Loader Backhoe,
10411 North Lamar	Vehicle & Equipment Services Department
Austin, Texas	Item 1 - 2 ea. @ \$14,695.00
	Total \$29,390.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

COOPER EQUIPMENT COMPANY	- Implement Trailer, Vehicle &
8723 Broadway	Equipment Services Department.
San Antonio, Texas	Item 1 - 1 ea. \$6,507.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Industrial Trucks, Vehicle & Equipment Services Department
GOLDTHWAITES OF TEXAS 10751 Sentinel Drive San Antonio, Texas	- Item T-1 - 2 ea. @ \$2,487.00 Total \$4,974.00
E-Z-GO GOLF CARS 4822 Ramus Houston, Texas	- Item T-2, T-3 and T-7 - \$22,136.00 (7 units)
WATSON DISTRIBUTING COMPANY 9111 Broadway San Antonio, Texas	- Item T-4, T-6 and T-8 (1 & 2) - \$21,396.02 (6 units)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

XEROX CORPORATION 313 E. Anderson Lane Austin, Texas	- Lease of Typing System Equipment for Twenty-Four Months, Law Department. Item 1 - 2 ea. @ \$7,044.00 Total - \$14,088.00
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Continuous Stock Paper, General Services for Data Systems.
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BURROUGHS CORPORATION - Items 1, 2, 3 and 6 - \$23,948.75
704 East Wonsley
Austin, Texas

TRINITY FORMS COMPANY - Items 4, 5 and 7 - \$25,880.28
9416 Neils Thompson
Austin, Texas

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

Bid Award: - Library Related Equipment, Library
Department.

GAYLORD BROTHERS, INC. - Items M-1, M-3, M-5, M-6, M-7, M-35,
7272 Morgan Road M-183-8, M-17 - \$6,206.75
Liverpool, New York

THE HIGHSMITH COMPANY - Items M-34, M-37, M-40 - \$4,612.37
Highway 160 E
Fort Atkinson, Wisconsin

DEMCO EDUCATIONAL CORPORATION - Items M-77, M-138, M-138a, M-138b, and
2120 Fordem Avenue M-138c - \$3,965.10
Madison, Wisconsin

BRODART, INC. - Items M-2, M-56, M-57, M-126, M-183-1
1609 Memorial Avenue through M-183-7, and M-189 - \$3,206.16
Williamsport, Pennsylvania

FIDELITY PRODUCTS COMPANY - Item M-190 - \$693.84
705 Pennsylvania Ave. South
Minneapolis, Minnesota

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Councilmember Himmelblau asked if the above items, Library Related Equipment, were any which had been cut from the Capital fund of the 1978-79 budget which was adopted Monday, September 23, 1978. City Manager Davidson answered that they were not.

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

- Bid Award:
- General Building Equipment, Library Department.
- ARCHITECTURAL POTTERY
3601 Aviation Boulevard
Manhattan Beach, California
- 2 items - \$5,554.00 (50 units)
- ABEL STATIONERS
416 Congress
Austin, Texas
- 9 items - \$2,924.26 (221 units)
- BRODART INC.
1609 Memorial Avenue
Williamsport, Pa.
- 1 item - \$780.00 (4 units)

The motion, seconded by Councilmember Goodman, carried by the following vote:

- Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
- Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

- Bid Award:
- General Office Equipment, Library Department.
- ABEL STATIONERS
416 Congress
Austin, Texas
- 22 items - \$12,812.09 (344 units)
- FORDHAM EQUIPMENT COMPANY
3308 Edson Avenue
Bronx, New York
- 3 items - \$2,534.00 (12 units)

The motion, seconded by Councilmember Goodman, carried by the following vote:

- Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
- Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

- Bid Award:
- Microfilm Equipment, Library Department.
- INFORMATION DESIGN, INC.
3247 Middlefield Road
Menlo Park, California
- Item M-18, M-25 & M-28 - \$16,933.50 (22 units)

3M BUSINESS PRODUCTS SALES, INC.
1948 South Interregional Highway
Austin, Texas

- Item M-101 - \$13,126.14 (3 units)

BELL & HOWELL RUSS BASSETT CO.
12426 East Lambert Road
Whittier, California

- Item M-11 - \$4,792.50 (6 units)

XEROX UNIVERSITY MICROFILMS
INTERNATIONAL
300 N. Zeeb Road
Ann Arbor, Michigan

- Item M-102 - \$2,115.00 (3 units)

COMMERCIAL MICROSYSTEM REPRO
302 East 3rd Street
Austin, Texas

- Items M-29, M-105A, M-108 & M-185 -
\$1,094.50 (5 units)

BRUNING DIVISION
4606 Centerview Drive, Suite 111
San Antonio, Texas

- Item M-104 - \$497.25 (3 units)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Councilmember Trevino moved that the Council adopt a resolution to
approve the following contract:

CLEGG AUSTIN
111 West Anderson Lane
Austin, Texas

- Seating and Tables, Library Department.
19 items - \$22,344.60 (165 units)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Councilmember Trevino moved that the Council adopt a resolution to
approve the following contract:

AMERICAN ECONO CLAD SERVICES
507 Jackson
Topeka, Kansas

- Paperback Books, Catalogs, Jiffy
Bags - (Imprinted Mail Bags), and
Supplies for Book-By-Mail Service,
Austin Public Libraries.
Items 1 through 3 - \$15,441.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

POOL & ROGERS PAVING COMPANY
10731 Manchaca Road
Austin, Texas

- CAPITAL IMPROVEMENTS PROJECT -
1978 Repaving Program - \$173,102.50
C.I.P. No. 78/62-16

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Mayor McClellan stated she wanted "the Minutes to reflect the fact that we have a copy of a letter from the Construction Advisory Committee, signed by Chairman Royce Faulkner, that reads as follows: 'The Construction Advisory Committee's notice of the repaving project was recently bid in accordance with the recommendation of this committee, scheduled for Council consideration. The amount of the bid, \$173,102.50 was well within the budget.' The letter goes on to say, 'We congratulate Mr. German on this program which he has initiated and believe that it is resulting in a sound system of reconditioning street paving at a large saving to the taxpayers of Austin.' And, I just think the record should reflect that."

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

WESTERN WATERPROOFING COMPANY, INC.
8720 Meadowcroft
Houston, Texas

- Koenig Lane Reservoir Renovation,
North Lamar Boulevard at Koenig Lane -
\$248,196.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

AUSTIN ELCON CORPORATION
P. O. Box 9722
Austin, Texas

- Municipal Building Annex, Urban
Transportation, Second Floor
Remodeling - \$9.977.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

CASWELL HOUSE RESTORATION

Councilmember Trevino moved that the Council adopt a resolution to approve a Change Order in the amount of \$33,800.00 for Caswell House Restoration. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

ENGINEERING TESTING SERVICES SELECTED

Councilmember Trevino moved that the Council adopt a resolution to select Engineering Testing Services as follows:

AUSTIN TESTING ENGINEERS, INC., for 1978-79 Yearly Engineering Testing of Portland Cement Concrete Reinforcement for Public Works Department and Subdivision Street and Drainage Projects.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to select Engineering Testing Services as follows:

TRINITY ENGINEERING TESTING CORPORATION for 1978-79 Yearly Engineering Testing of Sub-grades & Base Courses for Public Works Department, Subdivision Street and Drainage Projects.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to select Engineering Testing Services as follows:

TRINITY TESTING LAB, INC., for 1978-79 Yearly Engineering Testing of Bituminous Concrete Base and Surface Courses and Bituminous Surface Treatment Materials for Public Works Department and Subdivision Street and Drainage Projects.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

SOILS INVESTIGATIVE SERVICES

Councilmember Trevino moved that the Council adopt a resolution to select the firm of BRYTEST, INC. for Soil Investigative Services in connection with the following:

1978-79 Yearly Soils Investigative Services for Public Works
Department and Subdivision Street, Bridge and Drainage Projects.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

RESEARCH ON PERMEABLE PAVEMENTS

Councilmember Trevino moved that the Council adopt a resolution to accept a grant from the Environmental Protection Agency to conduct research on permeable pavements. (Total cost \$41,835; City share \$16,276) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

TEMPORARY STREET CLOSING

Councilmember Trevino moved that the Council adopt a resolution to temporarily close West Lynn from 1013 West Lynn to 12th Street from 8:00 a.m. to 10:00 p.m., October 14, 1978; alternate date October 21, 1978, as requested by MS. JO ANN SCHATZ, representing Mathews Community School. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

COUNTY AND STATE HEALTH DEPARTMENT AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to authorize execution of an annual agreement between the Austin-Travis County Health Department and the Texas Department of Health. (October 1, 1978, through September 30, 1979) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

CETA TITLE I CONTRACTS

Councilmember Trevino moved that the Council adopt a resolution to negotiate CETA Title I contracts with the Austin Women's Center for \$8,500 and SER-Jobs for Progress, Inc., for \$19,000 to provide on-the-job training services in Travis County for the first quarter of FY 79. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

CETA TITLE VI

Councilmember Trevino moved that the Council adopt a resolution to increase CETA Title VI allocation to Austin-Travis County MHMR Center from \$26,810.64 to \$47,815.20. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

REVISION TO UTILITY SERVICE REGULATIONS

Councilmember Trevino moved that the Council adopt a resolution to revise Section IX, Paragraph 3 (Applicant Deposit) and Section XI, Paragraphs 1-C and 3-C (Consumer Installation) of the Utility Service Regulations. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

COUNCIL'S GOALS AND OBJECTIVES AMENDED

Councilmember Trevino moved that the Council adopt a resolution to adopt the City Council's Goals and Objectives as amended during a July 6, 1978 work session. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

PUBLIC HEARINGS SET

Councilmember Trevino moved that the Council set a public hearing for October 12, 1978, at 2:00 p.m. on Southern Union Gas Company's Statements of Intent to:

1. Change rates for the Central Texas District, which includes Austin, filed with the City Council on June 12, 1978.
2. Change rates for the University of Texas at Austin filed with the City Council on June 22, 1978.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

SPECIAL WORK SESSION SET

Councilmember Trevino moved that the Council set a Special Work Session to receive Economic Development Reports at 2:00 p.m., Wednesday, October 11, 1978, at First Federal Savings, 200 East 10th Street. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

ZONING ORDINANCE AMENDED

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770609-B, ENACTED BY THE CITY COUNCIL ON JUNE 9, 1977, BY CORRECTING THE USE AND HEIGHT AND AREA DESIGNATIONS OF THE PROPERTY DESCRIBED IN THE CAPTION AND BODY OF SAID ORDINANCE AS ITEM NO. (19); SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Carrington Covert House, C14h-76-019)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

The Mayor announced that the ordinance had been finally passed.

BENT TREE ROAD

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM ARBOR RIDGE DRIVE TO BENT TREE ROAD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Mayor
Pro Tem Cooke, Councilmembers Goodman, Himmelblau

Noes: None

The Mayor announced that the ordinance had been finally passed.

YOUNGQUIST DRIVE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM ROBINSON AVENUE TO YOUNGQUIST DRIVE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Mayor
Pro Tem Cooke, Councilmembers Goodman, Himmelblau

Noes: None

The Mayor announced that the ordinance had been finally passed.

HOMESTEAD EXEMPTION INCREASE
FOR PERSONS 65 YEARS OF AGE OR OLDER

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 32-43 OF CHAPTER 32 OF THE AUSTIN CITY CODE OF 1967, AS AMENDED, BY INCREASING THE AMOUNT OF "RESIDENCE HOMESTEAD EXEMPTION FOR THE ELDERLY" FROM EIGHT THOUSAND DOLLARS TO TEN THOUSAND DOLLARS; PROVIDING FOR AN EFFECTIVE DATE, SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
 Noes: None

The Mayor announced that the ordinance had been finally passed.

REFUSE COLLECTION TRUCK BODIES

Council had before it for consideration a contract to purchase refuse collection truck bodies from Pak-Mor Manufacturing Company. Councilmember Cooke asked for an explanation of the purchase and Mr. German, Director of Public Works told Council that all refuse collection truck bodies are replaced in a seven year time frame and that this purchase is for part of that program.

Mayor Pro Tem Cooke moved that the Council adopt a resolution to approve the following contract:

PAK-MOR MANUFACTURING COMPANY
 1123 Military Drive
 San Antonio, Texas

- Refuse Collection Truck Bodies,
 Vehicle & Equipment Services Department
 Item 1 - 13 ea. @ \$10,500.00
 Total - \$136,500.00

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
 Noes: None

TEMPORARY CLOSING OF LONGVIEW FROM 24TH TO 25TH

The Council had before it a resolution to temporarily close Longview from 24th to 25th Streets from 3:00 p.m. to 6:00 p.m., October 5, 1978, as requested by MR. CRAIG HOWARD, representing Interfraternity Council.

MR. TOM BOOKER, attorney for the Sigma Delta Tau Sorority at 25th and Longview appeared before Council to protest the closing of the street. He said that the sorority is not against a muscular dystrophy event, which is why the street closing request has been made, but that they feel the event should be held in a park rather than the street and cause disturbance and possible vandalism to the neighborhood.

Mr. Craig Howard, the applicant, appeared before the Council, and told them that this event had been planned last May, the sorority had been contacted then and there was no objection. He said extra precautions were being taken by the Interfraternity Council to contain the street party within the limits. He said there would be Port-a-cans, roped off section of the street where the party will be, and they have hired policemen for extra protection.

MS. DEBBIE LEGRUDER, representing Muscular Dystrophy, told Council that in the past, the Interfraternity Council benefits have contributed \$60,000 to their cause and that there has never been a problem caused by the parties. Mr. Howard said that they have arranged for every type of security for a successful party and that the party should raise between \$10,000 and \$15,000 this year.

Motion

Councilmember Mullen moved that the Council adopt a resolution to temporarily close Longview from 24th to 25th Streets from 3:00 p.m. to 6:00 p.m., October 5, 1978, as requested by Mr. Craig Howard, representing Interfraternity Council. The motion was seconded by Mayor Pro Tem Cooke.

Councilmember Mullen commented that unusual precautions were being taken for this street party.

MS. MARILYN STAHL, representing Sigma Delta Tau, appeared before Council and said that when they had approved the party last spring, they had not known it was an all-campus event, but thought it was only for the sororities and fraternities on the street. She contended that the street was not a proper place for the party, as it will block traffic. Mayor McClellan commented that there have been numerous street parties in the University area but that most of the complaints have been related to noise amplification after hours. She pointed out that this party is planned for a Thursday afternoon during daylight hours. Ms. Stahl replied that noise is not the concern of her sorority, but rather the emergencies which could arise.

Roll Call on Motion

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell

Noes: None

BRACKENRIDGE HOSPITAL RATE INCREASE

Council had before it for consideration an ordinance to consider a request for a rate increase at Brackenridge Hospital. Councilmember Snell asked, "Why is it we continue to be guided by what Blue Cross and Blue Shield says is a good rate? ...I don't think they should be a determining factor of whether rates at the hospital should be increased or decreased." Councilmember Himmelblau commented, "This was programmed into the budget, I believe, that we adopted on Monday." Councilmember Snell asked why this information was not brought to light before it was programmed into the budget.

Councilmember Mullen asked, "Did the Hospital Advisory Board approve this?" Mr. Spurck, Administrator, Brackenridge Hospital, answered, "Yes." Mr. Mullen continued, "It was my understanding from the vote which was 5-2 that you were going to take the recommendation to the Hospital Advisory Board and let them run it. If that's the case, then Jimmy, you need to just back off completely. You voted for that." Mayor McClellan said, "I think he's just asking for information and he is entitled to receive that information."

Mr. Spurck stated, "You are not, in effect, letting Blue Cross-Blue Shield set the rates, but Blue Cross is the regulatory body that all the hospital industry utilizes to review and approve rates. You do not have to charge what Blue Cross negotiates with you. All they are saying is if one of their patients utilizes the hospital, all they will pay is that negotiated rate. A lot of proprietary hospitals investor-owned, will have a dual rate structure where if a Blue Cross-Blue Shield member utilizes their facility, they will charge that rate. If someone else utilizes it that is not Blue Cross-Blue Shield, they will charge them another...usually higher."

Councilmember Goodman said, "Blue Cross-Blue Shield plays an extremely forceful role in determining what the rates should be. That's not only a problem here in Austin, but all over. I think Mr. Snell has made a very valid point. What happens when we disagree?" Mr. Spurck answered that there usually is not that much difficulty in getting them to agree with a rate structure. He said, "We look at what it costs us to offer the program and they usually agree." Councilmember Snell asked, "Where is the stopping point (for rates) going to be?" Mayor McClellan told Mr. Spurck that she would be interested in hearing his projections on this. Mr. Spurck answered, "Hospitals are just like any other business...Joske's, McDonalds, or your home. You have pass through costs that everybody feels and when we offer a service we have to buy certain equipment and supplies. We have to pay the staff to provide that service. That all goes into the formula utilized to determine rates."

Mr. Davidson, City Manager, intervened, "It's not like as if Blue Cross-Blue Shield has told us you must adjust your rates in accordance to the following format. We initiated this thing...here are what the costs have been, will you accept a new rate structure that has increased this much? And they are saying, yes, we'll approve payment on policies to our patients that our customers have that come to your hospitals. I don't think the City of Austin ought to subsidize the insurance industry and I think the City of Austin, what we are trying to do under the newly adopted Council policy is to make, as far as possible, that institution pay for itself. And that's the whole intent of the original format. When we talked about the need for a new rate increase and that's what is on the table today."

Mr. Spurck told Council, "It's been relayed to us in many conversations with Blue Cross-Blue Shield, that they aren't interested in assuming that posture of the regulatory body but they do, in lieu of, or in default because there are no state regulatory bodies. From a cost point of view, let me give you a national perspective. Last year the national increase for hospitals was about 17.2%. Texas was about 14.2% and Brackenridge was 4.2%."

Motion

Councilmember Himmelblau moved that the Council adopt a resolution approving rate increases at Brackenridge Hospital, as recommended by the Brackenridge Hospital Board and its finance committee. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Himmelblau, Mullen, Trevino
Noes: Councilmembers Goodman, Snell

(This was listed on the agenda as an ordinance, and was shown on the Memo Minutes that it passed as an ordinance.)

Councilmember Mullen said, "I agree with Mr. Snell on the situation with Blue Cross. Of all people up here, I agree with you, Mr. Snell. I just don't think that we'll solve this by a discussion today."

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

JOHN LEWIS & ROY BECHTOL By Planned Environments, Inc. C14-78-143	Southeast corner of Loop 360 and Mountain Ridge	From "B" Residence 1st Height and Area To "A" Residence 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
Mullen, Snell, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

GEORGE YOUNGE, ROBERT A. MORRIS J. B. FOSHEE AND NATHAN MORRIS By Phil Mockford C14-78-146	12023-12049 Jollyville Road 11936-12020 Oak Knoll Drive	From Interim "AA" Residence 1st Height and Area To "O" Office 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
Mullen, Snell, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

REX L. REITZ
By Robert Parris
C14-78-151

11730 Research Boulevard

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area (Tract 2)
and "GR" General Retail
1st Height and Area (Tract 1)
RECOMMENDED by the Planning
Commission

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District on Tract 2, and "GR" General Retail, 1st Height and Area District on Tract 1, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Mullen,
Snell, Trevino, Mayor McClellan
Noes: None
Abstain: Councilmember Himmelblau

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District on Tract 2, and "GR" General Retail, 1st Height and Area District on Tract 1, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOSEPHINE HARRIS
BRADFORD & D. C.
BRADFORD
By Mark Bennett
C14-78-154

213-319 South Lamar
also bounded by Lee
Barton Road

From "C" Commercial
1st Height and Area
To "C-2" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Himmelblau moved that the Council grant "C-2" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
Mullen, Snell, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CONTINENTAL ASSUR- 309 West 21st Street
 ANCE COMPANY/ 311 West 21st Street
 DOBIE CENTER 2021 Guadalupe Street
 By Dennis J.
 Kavanagh
 C14-78-156

From "C" Commercial
 4th Height and Area
 To "C-1" Commercial
 4th Height and Area
 RECOMMENDED by the Planning
 Commission

Councilmember Himmelblau moved that the Council grant "C-1" Commercial, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
 Mullen, Snell, Trevino, Mayor McClellan
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

 THE HANSEN TRUSTS 12150-12264 I.H. 35
 By Mike Kasper 401-501 Yager Lane
 C14-78-157

From Interim "AA" Residence
 1st Height and Area
 To "O" Office
 1st Height and Area
 RECOMMENDED (as amended) by the
 Planning Commission

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended, as amended, by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,
 Mullen, Snell, Trevino, Mayor McClellan
 Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

 JOHN JOSEPH & 7216 Ben White Boulevard
 DONALD THOMAS
 By Morris Olguin,
 Jr.
 C14-78-144

From Interim "A" Residence
 1st Height and Area
 To "C" Commercial
 1st Height and Area
 RECOMMENDED by the Planning
 Commission

Mr. Lillie reviewed the application by use of slides. The applicant was present and MS. LENORE ROUTEN appeared to say she does not object to the zoning but wanted to know what the recommended height will be. Mr. Lillie told her the limitation is 35 feet for buildings and signs.

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

277, LTD., A TEXAS
LIMITED PARTNER-
SHIP

By R. Clarke
Heidrick, Jr.
C14-78-149

6700 East Ben White
Boulevard

From Interim "A" Residence
1st Height and Area
To "D" Industrial
3rd Height and Area
RECOMMENDED by the Planning
Commission save and except that
portion of the property lying
within 100 feet of the perimeter
of the property which shall be
"D" Industrial, 1st Height and
Area

MR. TERRY BRAY, representing the applicant appeared and asked that the ordinance be passed today also, and that it be passed on an emergency basis.

Councilmember Trevino moved that the Council grant "D" Industrial, 3rd Height and Area District, save and except that portion of the property lying within 100 feet of the perimeter of the property which shall be "D" Industrial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

The Mayor announced that the change had been granted to "D" Industrial, 3rd Height and Area District, save and except that portion of the property lying within 100 feet of the perimeter of the property which shall be "D" Industrial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance as an emergency measure.

Zoning Ordinance Passed - Emergency Basis

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 50-ACRE TRACT OF LAND, LOCALLY KNOWN AS 6700 EAST BEN WHITE BOULEVARD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, THIRD HEIGHT AND AREA DISTRICT (SAVE AND EXCEPT THAT PORTION OF SAID 50-ACRE TRACT LYING WITHIN 100 FEET INSIDE OF THE PERIMETER OF SAID TRACT WHICH IS HEREBY ZONED FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT); SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (277, Ltd., A Texas Limited Partnership, C14-78-149)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

The Mayor announced that the ordinance had been finally passed, as an emergency measure.

Amendment to the Austin Development Plan

277, LTD., A TEXAS
LIMITED PARTNERSHIP
(Prospective buyer
ADVANCED MICRO
DEVICES, INC.)
By R. Clarke
Heidrick, Jr.
C2a-78-003

6700 East Ben White
Boulevard

From Low Density Residential
To Planned Development Area
for Industrial Uses.
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant the change to the Austin Development Plan from Low Density Residential to Planned Development Area for Industrial Uses, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
Noes: None

RICHARD S. PRYOR
& JOHN N. RAMSEY
C14-78-152

7509 East Martin L.
King Boulevard, also
bounded by Nixon Lane

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission subject to five
feet of right-of-way on Nixon
Lane.

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

C. P. YOUNG
By John Harvey
C14-78-155

1403 Collier Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission save and except for
a 15-foot environmental ease-
ment on the westernmost
boundary of subject tract.

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

LAND & LEASE'S
INC., SAM PAYNE,
CLAUDIA TAYLOR
JOHNSON
C14-78-153

11912 Arabian Trail
12122 Highway 183
11910 Highway 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "A" on Lot 13; grant 5 feet of
"A" Residence along Arabian Trail; followed
by 25 feet of "O" Office adjacent on the
southernmost boundary of Lots 14-18; the
remainder to be zoned "GR" General Retail;
applicant to resubdivide and combine Lots
19 and 20, and grant 5 feet of "A"
followed by 25 feet of "O" Office and the
remainder "GR" General Retail.

Mr. Lillie, Director of Planning, reviewed the application by use of slides. MR. TOM CURTIS, representing the applicant, said that they are agreeable to the recommendations.

MR. SAM SMEIGER, Northwest Homeowners Association, appeared to object to "GR" General Retail on the Highway 183 frontage. He presented a petition of people in the Association who also are in opposition. He reviewed what has happened in the past with proposed zoning...increased traffic, odors from the restaurant, lights shining in windows from passing motorists and noise. Councilmember Himmelblau said that about three years ago there had been a complaint concerning the odor from Catfish Parlor. It had been found that they had not been cleaning their grease traps properly. They corrected that situation and she said she has not received any more calls. Mr. Smeiger went on to say that the safety of the many children in the neighborhood comes first and the increased traffic would be a hazard.

JIM SPENCER, who lives on Arabian Trail, thought the land should have "O" Office zoning. He said the lots from Arabian Trail to Highway 183 were only 200 feet deep and by the time the easement and room for a building was allowed, there would not be enough room for parking for "GR" General Retail zoning.

JUDY WALKER, who lives on Highland Oaks Trail, was also opposed to the proposed zoning because of concern for the safety of the children. She requested that there be no exits or entrances on their road. Councilmember Himmelblau asked if Council has any right to close the curb cuts and Mrs. Walker asked if the street from Arabian to Highland Oaks Trail can be closed. City Attorney Harris said that he would work with the Public Works Department and see where to go from there. Mr. Joe Ternus, Director of Urban Transportation said that they could have parking restrictions along the street. Councilmember Himmelblau said that she would like to see the possibility of closing the driveways pursued and also wants the City Health Department to inspect the grease traps at Catfish Parlor to see if they are being properly cleaned. After further discussion, the following motion was made.

Motion

Councilmember Goodman moved that the Council grant as the Planning Commission recommended, "A" Residence on Lot 13; 5 feet of "A" along Arabian Trail; followed by 25 feet of "O" Office adjacent on the southernmost boundary of Lots 14-18; the remainder to be zoned "GR" General Retail; applicant to resubdivide and combine Lots 19 and 20, and grant 5 feet of "A" Residence, followed by 25 feet of "O" Office and the remainder "GR" General Retail; 1st Height and Area; with the additional condition of no ingress or egress points on Highland Oaks Trail, and instruct staff to institute proceedings to vacate Highland Oaks Trail. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
 Noes: None

The Mayor announced that the change had been granted to "A" Residence on Lot 13; 5 feet of "A" along Arabian Trail; followed by 25 feet of "O" Office adjacent on the southernmost boundary of Lots 14-18; the remainder to be zoned "GR" General Retail; applicant to resubdivide and combine Lots 19 and 20, and 5 feet of "A" Residence, followed by 25 feet of "O" Office and the remainder "GR" General Retail; 1st Height and Area; subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BURLAGE-FISCHER
 HOUSE
 By City of Austin
 C14h-78-025

1008 West Avenue

From "O" Office
 2nd Height and Area
 To "O-H" Office-Historic
 2nd Height and Area
 RECOMMENDED by the Planning
 Commission

Councilmember Goodman moved that the Council grant "O-H" Office-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
 Noes: None

The Mayor announced that the change had been granted to "O-H" Office-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JACOBY-POPE
 BUILDING
 By City of Austin
 C14h-78-035

200 East 6th Street

From "C-2" Commercial
 4th Height and Area
 To "C-2-H" Commercial-Historic
 4th Height and Area
 RECOMMENDED by the Planning
 Commission

Councilmember Goodman moved that the Council grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

COVERT HOUSE
By Alfred Ostroy
C14h-78-036

3912 Avenue G

From "A" Residence
1st Height and Area
To "A-H" Residence-Historic
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

The Mayor announced that the change had been granted to "A-H" Residence-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Denied

RAQUEL GONZALEZ
By Patrick Tobin
C14-78-145

918 Stobaugh

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the
Planning Commission

Councilmember Himmelblau moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell
Noes: None
Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been DENIED.

PORTION OF CARVER STREET
PUBLIC HEARING ON STREET VACATION - ORDINANCE PASSED

Mayor McClellan opened the public hearing scheduled for 10:00 a.m. on vacating a portion of Carver Street from the north right-of-way line of U.S. Highway 183 northerly 407.87 feet. (Requested by Texas State Bank, Trustee and Joe F. Gray, Trustee). No one appeared to be heard, but Mr. Sneed, representing the applicant, was present in the Council Chamber.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF CARVER AVENUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING A WATER EASEMENT IN THE CITY; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the ordinance had been finally passed.

SOUND AMPLIFICATION

Council had before it for consideration an ordinance amending Section 23-13 of the Austin City Code regarding permits for amplification of sound. Councilmember Himmelblau said she has some problems with number 4, "If approval to use the park past the 10:00 p.m. park curfew has been obtained, and if the location of the amplified sound devices is not within six hundred feet of a dwelling unit, sound permits will be granted for the hours of 10:00 a.m. to 2:00 a.m." She continued, "I'm thinking particularly of Pease Park where residents are sitting up on a hill and the amplified sound carries up."

Councilmember Trevino stated, "We amended the ordinance to accommodate some people, particularly around the University area. I think we inadvertantly penalized some established neighborhood parks that are already accustomed to this type of activity. I'm talking specifically about Zaragosa Park, which is older than all of us. Traditionally we have had music there, but now, because of the ordinance we have to close it down at 8:00 p.m." Mrs. Himmelblau said that is spoken to, concerning a park with a permanent bandstand, in number 3, but number 4 just leaves it wide open if a permit is obtained. She asked Mr. Harris why this was put in. Mr. Harris answered, "That was put in because when we amended the ordinance earlier somehow we arrived at 600 feet...that wherever the music was being played, whether in a park or street, if it was not within 600 feet of residences sound would be allowed to go to 2:00 a.m. So, that's really not a change. Council could amend that distance or change the time as they see fit. But this is really not a change from what it was under the other ordinance. The changes only relate to allowing in specific instances for

"ALL BILLS PAID" APARTMENTS

Mayor Pro Tem Cooke introduced an item from Council requesting a report from the City Manager concerning the customer classification for "All Bills Paid" apartments. He said that the request came about because several people in this category had said they were being charged a general service use and wanted some consideration because a majority of their people were residents and to some extent the City is penalizing those residents. "I'd like for Mr. Hancock to quickly brief the Council on their preliminary conclusions as a result of this request."

Mr. R. L. Hancock, Director of Electric Utility, told Council: "The rate management section has looked at this on a preliminary basis. On the surface it sounds like a rather innocuous change, but the more we looked into it, the more we were inclined to caution with respect to making a change of this sort. The issue, as I understand it, relates to the apartment units that could not convert to individual meters for each individual dwelling unit. Units principally with central heating and cooling systems in them that fell in the general service classification. Our preliminary assessment of it leads us to believe that if we were to make a change of that sort, we could not apply the rate now that's termed the residential rate, but would have to establish a separate customer class for that classification. That would entail considerable difficulty. If we were to apply the normal residential rate there would be a question with respect to an apartment unit being a very large consumer and not being typical of the residential. Most of their consumption would be in the low cost incremental area which would mean that on the average basis those tenants would be getting their energy at a lower cost than the residential customers would, which leads us to believe that then we'd have to be very careful and assess the customer charge to each of those individual dwelling units. Our preliminary assessment on one particular rather small unit of this sort indicates that from the tenant's point of view would simply be a push and then there would not be any economic advantage in it."

Mayor Pro Tem Cooke commented, "Basically, the tenant would pick up that additional charge that we charge all residential customers and that push would then not create a real economic difference as far as them saving any money and would place them in a situation that would be economically no better than any other resident." Mr. Hancock replied, "That's right. We do need to qualify that to the extent that that's one particular installation. We need to do a broader sampling in that area. This was a small unit we looked at, 34 units. We need to look at some larger units, 100 and 200-unit apartment complexes. There is also difficulty with respect to the precedent. It seems acceptable to take a small, purely residential apartment unit and apply the residential rate to it. But if one does that, then that tends to open up a precedent with respect to the application at areas like Cambridge Towers and Westgate. It can be argued that in those cases there is some commercial activity so they would not qualify. But units like Lakeside Housing and things of that sort that have central heating and cooling system...so it's really a rather complex problem. I don't know that we have a positive definitive answer at this time except that we feel we really need to do a good deal more work in this area. We need to work with some of these owners, particularly to the respect of an economic trade-off if we were to assess the customer charge for each dwelling unit in a new rate that was developed that was similar to a residential rate."

Motion - No Second

Mayor Pro Tem Cooke made a motion to accept the report at this time. He said that, "It is preliminary and as Mr. Hancock said, this is a much more complex problem than I perceived it to be on the surface and considering the fact that we are also in an interim rate structure through November, 1979, I'd recommend staff continue to pursue this and maybe bring back a final recommendation, but also keeping in mind that since we are in an interim rate structure that I wouldn't want them to do an exhaustive and expensive study on this." He then thanked Mr. Hancock and Mr. Davidson for their attention to this matter.

FUND TRANSFER FROM UTILITY FUND TO GENERAL FUND

Mr. Monty Nitchoolas, Director of the Finance Department, stated that the Council had asked for a report concerning the acknowledgement of the Utility Fund transfer to the utility customer. Mr. Nitchoolas agreed that the customers need to be notified of what is transferred to the General Fund from the Utility Fund. He stated that they are trying to do this on the bill, or on a per kilowatt hour basis, because the General Fund transfer is determined at the end of the year and not during the year. Mr. Nitchoolas pointed out that even though the transfer is listed in the budget document for so many million dollars, this is not necessarily the final appropriation. He stated that the bond covenants passed by Council require that the first revenues go to maintenance and operation and the second revenues go to debt service. What's left can then be used for the General Fund transfer and the capital investment. Mr. Nitchoolas stated that they recommended providing the customer with a type of report at the end of the fiscal year, after the transfer is determined. He recommended that this report be included as a bill insert rather than listed on the bill itself. In response to a question from Councilmember Himmelblau, Mr. Nitchoolas stated that he did not have cost information on the project. Mr. Nitchoolas noted that he would obtain this information.

Mayor Pro Tem Cooke indicated that only a few citizens actually realize when the City is making a transfer to General government from the Utility Fund to help run the City. He stated that he appreciated the staff work that's been done on the project. Mayor Pro Tem Cooke felt that the City had a responsibility to provide to the owners of the system, some kind of analysis of the dividends being paid and the money being used to run the City. He stated that the transfer helps to offset increases in property taxes and other areas which would otherwise have to bear the cost for government. Mayor Pro Tem Cooke stated that he was in favor of providing this information on a once-a-year basis.

Mr. Nitchoolas stated that they would prepare a form and bring it back later for the Council to review. Mayor Pro Tem Cooke indicated that he had seen the initial form and that it was very detailed. He requested that the form be cut down to a more simplified format. City Manager Dan Davidson indicated that they could handle devising the form in such a way.

PRESENTATION OF MONTHLY FINANCIAL STATEMENT
FOR THE MONTH OF AUGUST 31, 1978

Mr. Monty Nitchoias, Director of the Finance Department, indicated that revenues as of August 31, 1978, totalled \$47.6 million, and that it appeared that September revenues will be about \$4.9 million. He pointed out that the annual totals are estimated to be \$52.5 million in revenues. Mr. Nitchoias stated that there is \$13.6 million from end-of-year sales taxes. He stated that Departmental expenditures as of August 31 amounted to \$58.4 million, and that September expenditures should amount to about \$6.5 million, giving a total Departmental expenditure of \$64.9 million. Mr. Nitchoias stated that Transfers In exceeded Transfers Out by about \$18 million. He stated that this would produce a receipt/expenditure figure of \$5.6 million, added to the original \$4.4 million balance, bringing the ending balance up to \$10 million. In response to a question from Councilmember Mullen, Mr. Nitchoias stated that Departmental costs are up by 16.2%, which is under the project amount.

Mr. Nitchoias stated that one of the key figures in the General Fund is the transfer to the Hospital. He stated that it was originally budgeted at \$7.7 million, is estimated in the current budget at \$6 million, and that they believe it is going to be about \$5 million. Mr. Nitchoias stated that through August 31, the Hospital produced revenues of \$19.9 million. He stated that September revenues should include an additional \$1.6 million, bringing the total Hospital revenues to \$21.5 million. He indicated that expenditures should increase another \$2.5 million to about \$26.5 million for the year. This would leave about a \$5 million balance to be picked up in the General Fund. Mayor Pro Tem Cooke commended Mr. Robert Spurck, Hospital Director, and his staff, for the job they have been doing. City Manager Dan Davidson stated that he would pass Mr. Cooke's comment on to Mr. Spurck.

Mr. Nitchoias stated that the Golf Fund revenues should be about \$10,000 over the original budget, which was \$461,000. Expenditures should be about \$15,000 under the budget. He stated, therefore, that the General government should have to pick up \$234,000 instead of the budgeted \$259,000.

Mr. Nitchoias stated that in the Airport Fund, revenues should be up \$300,000 from the original budget, to about \$2 million. The operating cost should be up \$54,000 from the original budget, and this should total for the year about \$1.34 million. Mr. Nitchoias stated that capital costs should be about \$105,000 and the ending balance should increase by about \$450-460,000. This will leave an ending balance of \$983,000, which will probably be used for capital improvements for the Airport. Mayor Pro Tem Cooke indicated that he was pleased with the operation of the Airport.

Mr. Nitchoias stated the operating revenues for the Auditorium and Convention Center Fund are at \$349,000, expected to reach \$363,000 at the year end. He stated that this is up \$14,000 from the budget. At the same time, hotel/motel taxes are currently at \$926,000. Councilmember Mullen asked if there is any indication as to why the hotel/motel taxes are up so much. Mr. Nitchoias did not have a breakdown to offer but felt that usage would have a great deal to do with the increased taxes. Mr. Nitchoias stated that the expenditures for the Center are just over \$1 million, and will probably reach \$1.4 million by year end. This will reduce their ending balance by \$140,000, but there will still be \$442,000 at the end of the fiscal year.

Under the Emergency Medical Services (EMS) Fund, Mr. Niticholas stated that General Fund support should be about \$241,000 if the current projections continue. Revenues should be \$531,000, and cost \$1.93 million. He stated that Revenue Sharing in the amount of \$1.16 million is being applied to this in accordance with the budget, and this leaves a General Fund portion of \$241,000.

Mr. Niticholas, in reference to the Utility Fund, stated that the projected ending balance of \$14.2 million is probably going to be a good figure. He stated that the beginning balance at the first of the year was \$4.42 million. During the first 11 months, this increased \$14.6 million. Mr. Niticholas stated that they anticipate the September activity to add revenues of \$20.78 million, and have an operating cost of \$9.13 million, debt service transfer of \$3.43 million and General Fund transfer of \$20 million. Mr. Niticholas stated that this gives an ending balance of \$7.24 million. He stated that the actual cash ending balance will be another \$7 million, which represents the amount of fuel costs that was expensed during the year.

Mayor Pro Tem Cooke asked Mr. Niticholas to speak to the fact that Construction Management, Special Services and the Treasury aspect of public finances were all 100% over budget. Mr. Niticholas stated that the Finance Department makes a transfer at the end of the year of part of the salary of the Chief Cashier to the Tax Department. He stated that they will be making this on a monthly basis so that it will reflect good percentages at the end of the year. In regard to the Construction Management Department. Mr. Niticholas indicated that the department probably has outstanding charges with other departments for work done for those departments. He stated that they wanted to start pro rating these charges on a monthly basis also. As to Special Services, Mr. Niticholas stated that the audit for this past year was probably more than the original budget. He stated that last year there was a great deal of work that had to be done in the Utility Accounts Receivable. He stated that there was a lot of statistical work which had to be done outside of the actual general audit practice. Mr. Niticholas felt that this was one of the major contributors to Special Services being 100% over budget.

Councilmember Goodman thanked Mr. Niticholas for his report and told him that the supplemental report was much more understandable.

RECESS

The Council then recessed at 12:00 Noon, and reconvened at 2:15 P.M.

sound amplification in parks to be beyond what would normally be 8:00 p.m. Under the other ordinance the basic proposition was unless you were beyond 600 feet of residences, your sound permit ended at 8:00 p.m. If you were beyond 600 feet, you could go until 2:00 a.m. This really just allows in certain park situations for you to go to 2:00 a.m. even though you may be closer than 600 feet to a residence and that exception is if a permanent facility or bandstand exists in the park.The park curfew will remain where it always has been and that is in the hands of the Parks and Recreation Department Director, to allow supervised activity to continue beyond the 10:00 p.m. curfew. We did not suggest an amendment to that in this particular ordinance, although it could be amended." Councilmember Trevino said that when a permit is required, then Building Inspection could allow the curfew to be lifted for the night of the permit. He continued that this is an attempt to allow the lifting of restrictions which unintentionally have been put on areas that have always allowed music until 2:00 a.m. This will keep the Council from having to take each case individually. If there are 15 permits a year, Mr. Trevino said, Council will not have to listen to them 15 times.

Councilmember Himmelblau said, "The only complaints I've had as far as park usage is the Pease Park area. I'd like to see that considered differently and some other restrictions put on usage there." Mr. Mike Segrest, Acting Director of Parks and Recreation, suggested, "Obviously, the extension of the curfew will depend on policy....as to whether the Parks and Recreation Director would extend the curfew for certain activities in certain parks. If Council felt there were areas where it would be inappropriate for an extension to be made, I feel the Council could direct the department that they do not want exceptions to be made at Pease Park beyond a 10:00 p.m. curfew and then the director would simply not grant extensions in that situation."

Councilmember Himmelblau asked if this would call for a special motion and be brought back next week. Mr. Segrest answered, "It's not necessary for a motion. We can simply indicate it in our policy that that is the wish of the Council and we would not grant a permit beyond 10:00 p.m."

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 23-13 AND 23-14 OF THE AUSTIN CITY CODE OF 1967 BY REQUIRING A PERMIT FOR THE USE OF AMPLIFIED SOUND; PROVIDING THAT SUCH PERMITS SHALL NOT BE ISSUED FOR THE USE OF SOUND DEVICES WITHIN THREE HUNDRED (300) FEET OF A SCHOOL, CHURCH OR HOSPITAL WITHOUT THE WRITTEN PERMISSION OF THE SCHOOL, CHURCH OR HOSPITAL; PROVIDING THAT SUCH PERMITS SHALL ONLY BE ISSUED CONDITIONED UPON TIME LIMITATIONS FOR THE USE OF SUCH AMPLIFIED SOUND; PROVIDING FOR FEES FOR SUCH PERMITS; PROVIDING THAT SUCH PERMITS SHALL BE VALID FOR THIRTY (30) DAYS; PROVIDING THAT A SEPARATE PERMIT AND FEE IS NOT REQUIRED FOR EACH SOUND AMPLIFICATION DEVICE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

SCIENCE GUILD FUND RAISING GALA

Councilmember Mullen moved that the Council approve the request of MRS. PATRICK M. BECKHAM, representing Austin Natural Science Association Guild, to use the old and new libraries for a fund-raising GALA, Saturday, October 28, 1978, from 9:00 p.m. to 12:00 p.m. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
Noes: None

Mr. Davidson, City Manager, told Council that this was in order, although it is a first for the City...City facilities have not been used before for a gala such as this. MRS. HENDRICH, Science Guild Member, advised Council that the affair will be a masquerade and presented masks to all Councilmembers.

CHRISTMAS TREE SALE BY OPTIMISTS CLUB

Councilmember Himmelblau moved that the Council approve the request of MR. DICK NICHOLS, representing Austin Optimist Club, for the use of City-owned property located at North Lamar and San Gabriel for sale of Christmas trees, from November 11, 1978, to January 6, 1979. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro
Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

PARADE PERMITS

Mayor Pro Tem Cooke moved that the Council approve the request for a parade permit from MR. CARL KURZ, for People United to Resist Violent Attacks, from 12:30 p.m. to 1:30 p.m., Friday, October 6, 1978, beginning at the University of Texas West Mall, south to 21st, west to Nueces, north to 24th, west to San Gabriel, north to 26th, east to Rio Grande, disassemble at grassy area after rally. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

Mr. Kurz remarked to Council that he does not think force is the appropriate way to handle the recent happening on the west campus area, and asked them to join in this positivity march.

Mayor Pro Tem Cooke moved that the Council approve the request for a parade permit from EDWIN FITZJARRELL, representing Mathews Community School, from 9:30 a.m. to 10:30 a.m., Saturday, October 14, 1978, beginning on the grassy area north of Municipal Auditorium to the Gazebo by 1st Street bridge, over Hike and Bike Trail west to foot bridge to intersection of Enfield and Newfield, travel 2 blocks south on Newfield to Waterston, 4 blocks east on Waterston to 12th and West Lynn. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers
Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

MAP ELIGIBILITY CRITERIA ON SENIOR CITIZENS

Councilmember Himmelblau, under Items from Council, requested a report from the City Manager on the effect of the new MAP Eligibility Criteria on Senior Citizens. She stated: "When we changed the guidelines from the 1973 OEO to the 1977 PSA, the Council had a policy change going from net to gross income and I'm afraid that some of our citizens over 63 who are on a fixed income of Social Security and SSI are being hurt. I would recommend that the policy be changed to protect the citizens 63 and older whose income is strictly Social Security or SSI or a combination of both."

Ms. Sue Edwards, Acting Director, Public Health Department told Council, "We have been gathering information since the new guidelines were implemented in July of this year on those individuals who were 63 years and older. Approximately 70% of those individuals who did hold clinic cards under the old guidelines are no longer holding clinic cards under the new guidelines. It has eliminated a great many of those who were on a fixed income in that age group." Councilmember Himmelblau said, "I am interested in all of those on fixed incomes but would only widen it to take care of that particular group." Ms. Edwards said they gathered information only on those who were 63 and older, and although they have other information, the concentrated area was on that particular age group. She said that the feedback they have had indicates that it has been that age group which has been effected whereas the other age groups have not. Mrs. Himmelblau said, "This goes into effect on the first of October. So, Mayor, if it is in order, I would state it as a motion." Mayor Pro Tem Cooke asked for a clarification of the motion. Mayor McClellan asked Ms. Edwards if she had looked into the impact. Ms. Edwards replied, "We do not have any way of comparing those individuals that were eligible under 1973 and are no longer eligible under 1977 guidelines because data was not gathered in that manner. We cannot at this time give you an estimate on the cost of what that increase would be. ...We have not been operating that long to gather that much information. ...You have two different sources. You went from 1973 net to 1977 gross, but also there was a policy under the old guidelines that did not relate to income. It did not relate to income, it related to source of income, and that policy stated that anyone who was on Social Security, or SSI, regardless of what their income was, were automatically eligible for a clinic card." Councilmember Himmelblau said she wanted to limit it to that source of income only. (Social Security or SSI or both)

Motion - No Vote Taken

Councilmember Himmelblau moved that the Council change the policy for those 63 years of age and older who are on Social Security or SSI, or a combination of both. The motion was seconded by Mayor Pro Tem Cooke.

Mr. Davidson said some questions were surfacing for which he had no answers and requested that this be brought back for action in two weeks so that his staff has more time to research. Council agreed to this, after some discussion. Mr. Harris said that it needs to come back because it is on today's agenda as a request for a report. Councilmember Goodman asked if it would be back as an ordinance in two weeks.

MS. CATHERINE MILLER, Social Worker, Texas Department of Human Resources, Adult Unit, appeared before Council. She told them, "We handle problems with aged, blind and disabled. We have been tremendously distressed about this. Prior to June our people on Social Security, both over and under age 62 had been given clinic cards. This has made a tremendous impact on us. We were very concerned that Council look at this a little more closely. I don't know what we as a City can do, financially, but we have begun to run into medical emergencies. ... The problem is the people we are talking about are not on Medicaid. A portion of them are on SSI which does put them on Medicaid, but another portion of them are on Medicare which covers some of the cost but the problem is that Medicare covers no medication whatsoever. ... a lot of our population isn't even on Medicare because it takes 2 to 3 years to become eligible after one becomes disabled." Councilmember Goodman asked if her department has any idea what the impact fiscally will be. She said they do not know yet because some of the people still have their clinic cards since they do not come up for review for a few months.

Councilmember Himmelblau said, "I've heard from some saying they would be deprived of a clinic card as of October 1. If this is going to be delayed, until the 12th of October, I would like to see some sort of blanket protection before they are denied any medical assistance. I don't know how we can phase it in but until we have a chance to look at it. I certainly would not want to deny anybody in this age group." Councilmember Goodman said, "Maybe this is acceptable, we can instruct staff in the meantime not to be revoking clinic cards that are in existence for this specific group we are talking about, and just let it ride until it comes back in two weeks." Ms. Miller asked if this would include the disabled people that are under 65...she said this is a critical problem because the people do not even have Medicare. Mrs. Himmelblau answered, "No, I don't think we can expand it that far, although it is something we can look at. The seniors are my major concern at this time." Ms. Miller concluded that the younger people who are catastrophically disabled by stroke or heart attack have no resource at this time for medical care.

BOILERPLATE

Mr. Buck Apelt presented a report on "Boilerplate" from the City's contracts with Human Service agencies for FY 1978-79. He told the Council, "We're presenting for your consideration the basic contract document that we are proposing for use with those agencies who were awarded social service contracts

earlier this week. This document is basically the same as the one that has been in use the past year, but is a streamlined version. Most of that is due to the use of general funds rather than using general revenue sharing funds for these contracts. It is different in one notable respect from contracts that we have executed previously. And that has to do with, I think, a changing attitude of the City toward this kind of contract. We have been contracting with Human Service agencies for many years...7 or 8. When we began the attitude was one of contracting with a non-city or private agency to operate a project for the City...the project funded from Federal funding sources. This in turn meant that we had strong line item budgets incorporated into the contracts and strong budget controls exercised. Over time, however, we have come to regard these contracts more as service arrangements whereby we reimburse an agency for services which they provide to the citizens of Austin. This particular contract will bring us to the final stages of the transition toward the true purchase of service contract. We do not anticipate that it will incorporate a line item budget as part of the contract rather we will be reimbursing agencies according to the amount of service that they are able to provide to the ceiling set by Council." He went on to say that these contracts were sent out to all agencies in June or July and they received a few comments back...most of them related to the suspension and termination of convenience provisions in the contract.

Councilmember Goodman asked if approval of this is what is wanted today. Mr. Davidson replied, "We request, in the absence of any additional suggestions or objections to any part of this standard agreement, we are ready to proceed to set up actual contracts with each of those agencies funded. We just did not want to get 60 days into it and have them all fixed up and then find that we should have come back to Council for some point of clarification or some provision we included in the contract."

Councilmember Goodman asked if this was for the contracts that would come before Council. When he was told yes, he asked when the social service contracts are signed. Mr. Apelt said that they have various starting times. Councilmember Trevino commented that there were some misunderstandings last year because the City was trying to impose certain conditions and the agencies, en masse, rejected the conditions, but we are advised that we do not have a similar situation this year.

Motion

Councilmember Trevino moved that the Council approve the presentation of "Boilerplate" from the City's contracts with Human Service agencies for FY 1978-79. The motion was seconded by Councilmember Goodman.

Councilmember Goodman asked if there was anything that Council should know about that might be a possible point of conflict later on. Mr. Apelt stated that the major change has been pointed out..the budget item. The major points of discussion between the City and agencies previously have been the suspension clause where if a problem is detected with an agency's performance of contract, that would make it advisable for the City to shut down funding immediately until the agency gets the problem corrected. After discussion about this, Councilmember Goodman offered the following friendly amendment:

Friendly Amendment to the Motion

Councilmember Goodman offered a friendly amendment that the Human Service Director be allowed to suspend a contract for 30 days immediately, with Council approval; otherwise it will require 14 days or two weeks notice to suspend a contract for 30 days. Councilmember Trevino accepted the friendly amendment, and roll call showed the following vote on the motion with amendment:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

REPROGRAMMING OF PRIOR YEARS CDBG PROGRAM

A report on the reprogramming of prior years Community Development Block Grant (CDBG) Program was presented by Mr. Buck Apelt, Acting Director, Human Services. He stated: "We have been working with the joint sub-committee, the Planning Commission, the Community Development Commission and the Research and Budget Office to identify those funds available for projects in the first three years of the Community Development Block Grant which were not necessary for the completion of those projects. We have found about \$178,000 worth of funds available transferred from completed projects. There is about another \$175,000 available from two projects which have not, to date, been implemented. One of those is the Historic Preservation Revolving Loan Fund...the other being the operations of the Montopolis Health Clinic." Mayor Pro Tem Cooke asked why the Historic Revolving Loan Fund has not been implemented. Mr. Apelt answered that the HUD office in San Antonio has had some difficulty approving the uses of the fund as proposed by the City Planning Department. The money has been available for quite some time now, the project has not been able to incur any expenditures so in order to basically clean up this earlier year funding so we can get, possibly the first two years, of CDBG to the point where we can close them out and cover cost overruns in other projects which have been completed, we propose this. Mr. Davidson pointed out that this item is on the agenda as a report and will need to be brought back at a later meeting for actual Council action. He said he would like to give Council a special report on that one segment, plus any others the Council might like information on.

Mayor Pro Tem Cooke said the whole intent here is to use money to stimulate money and really rejuvenate historic preservation. The fund will continue to be active. It is an excellent concept if it is put to use. Mr. Cooke said he would like to know why HUD is reluctant to use it here, when it is being used in other parts of the country. He continued that this program would have some definite emphasis on central city revitalization and wanted to know more about it before it is discounted. Mr. Davidson said he surmised that there would be questions about this and as soon as he obtains the information Council will be informed.

Mayor Pro Tem Cooke said he wanted to know if there is a HUD regional office position and also if there is any implication about how Human Development money has been used as a concept and leverage in other parts of the country.

Mr. Apelt continued the report and said, "The remaining available money which we had identified is about \$296,000 in contingency funds spread across the first three years. We had proposed that this money from all these sources be used to cover actual or projected cost overruns in other projects. There are about \$626,000 worth of identified cost overruns. If the funding from all sources was used to cover the cost overruns, it would leave the contingency with a total of \$23,600 for the three years. Most of the projects, aside from the Historic fund and the Montopolis Clinic operations, which they propose to take money, and those identified with cost overruns have been completed. There are only two that are not."

Mayor Pro Tem Cooke said he wanted to know more about architectural barriers costs when Mr. Davidson brings back further reports on this. He is concerned with the removal of same. Councilmember Goodman agreed.

PROPOSED AMENDMENTS, AUSTIN HOUSING STANDARDS ORDINANCE

The Building Standards Commission presented a report of proposed amendments to the Austin Housing Standards Ordinance. The Chairman, MR. BILL DORMAN, gave the report as follows: "Since the adoption of the new Housing Standards Ordinance for the City of Austin, the performance of the housing inspection office and of the Building Standards Commission has improved in several important aspects. The new ordinance granted power to order demolitions to the Building Standards Commission, removing the burden of this routine governmental function from the City Council, except in cases where the owner wishes to appeal.

"Additionally, the increase in staff size granted by the Council has led to greater effectiveness and efficiency in the inspection of substandard units and preparation of the Building Standards Commission cases in providing greater technical expertise and counseling for property owners are seeking to comply with the ordinance. The mechanics of the new ordinance has significantly reduced the average time between the point in time at which a house is declared substandard and that point when it is brought up to compliance with the City Code. The time period ranges from six months to two years under the old ordinance and now is approximately an average of six months.

"Finally, the adoption of the new ordinance has given the Housing Inspection Office the responsibility for overseeing home moves. As a result, public discord over the quality of work done on relocated houses has subsided. The Commission has heard 408 substandard cases and has approved 121 house relocations in the past year. In spite of these areas of improvement under the new code we have found the need to create several changes and additions in the ordinance in order to make it more workable and useful. You may recall that at the City Council meeting on April 28 of this year, the Building Standards Commission presented proposed amendments to Chapter 40 of the Austin City Code. On May 18, 1978, the City Council had a public hearing on these amendments. At that time the Austin Apartment Owners Association requested that representatives from their group be given time to discuss these proposed amendments with the Commission. Their request was granted and the Commission was directed to meet with the Association to discuss the proposed amendments. Numerous discussions

involving not only the Apartment Association, but also the Travis County Legal Aid Society, the Austin Tenants Council and the University of Texas Student Attorneys Office have taken place. The Commission is now ready to present its report to the City Council on their recommendations concerning amendments to Chapter 40. At the Building Standards Commission meeting of September 13 of this year the amendments were approved for submittal to you for approval and adoption. It is therefore the Building Standards Commission recommendation that these amendments receive favorable approval by the City Council and be incorporated into Chapter 40 of the Austin Housing Standards Ordinance."

He added to this report that the amendments have met with unanimous acceptance by all groups they worked with, except for one point. Therefore, Mr. Dorman requested Council to set a public hearing after October 11, 1978, when he believes the last of the differences will be ironed out at a Commission meeting.

MR. LARRY NIEMAN, Attorney for the Tenants Association, said that all groups have worked harmoniously and hopefully have a package Council can be proud of.

Motion

Mayor Pro Tem Cooke moved that the Council set a public hearing for October 26, 1978, at 9:30 a.m. on the proposed amendments to the Austin Housing Standards Ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

- Ayes: Councilmember Snell, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
- Noes: None
- Not in Council Chamber when roll was called: Councilmembers Mullen, Trevino

ADJOURNMENT

Council then adjourned its meeting at 3:10 p.m.

APPROVED Carole Keeton McClellan
Mayor

ATTEST:

Grace Monroe
City Clerk